

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN WOOTEN,

Petitioner,

Civil No. 4:17-CV-10014
HON. TERRENCE G. BERG

v.

TONY TRIERWEILER,

Respondent.

_____ /

**ORDER GRANTING PETITIONER'S MOTION FOR APPOINTMENT
OF COUNSEL (DKT. 3) AND SETTING BRIEFING SCHEDULE**

Before the Court is habeas Petitioner John Wooten's motion for the appointment of counsel (Dkt. 3). For the reasons that follow, the Court will grant the motion and order that the Federal Defender Office be appointed to represent Petitioner.

Counsel may be appointed, in exceptional cases, for a prisoner appearing *pro se* in a habeas action. *Lemeshko v. Wrona*, 325 F. Supp, 2d 778, 788 (E.D. Mich. 2004). The exceptional circumstances which justify the appointment of counsel to represent a petitioner acting *pro se* in a habeas action occur where a petitioner has made a colorable claim, but lacks the means to adequately investigate, prepare, or present the claim. *Id.* This Court determines that Petitioner has raised a colorable claim, but may lack the ability to represent himself effectively before this Court. Accordingly, the Court will appoint the Federal Defender Office to represent Petitioner.

Furthermore, the Court will allow Petitioner's counsel one hundred and eighty (180) days from the date of his or her appointment to file any supplemental brief in support of Petitioner's claims. Respondent shall then have sixty (60) days after the filing of any supplemental brief by Petitioner to file a response brief.

Accordingly,

IT IS HEREBY ORDERED that the motion to appoint counsel (Dkt. 3) is GRANTED.

IT IS FURTHER ORDERED that the Federal Defender Office is appointed to represent Petitioner.

IT IS FURTHER ORDERED that Petitioner's appointed counsel shall file a supplemental brief addressing Petitioner's claims within one hundred and eighty (180) days of receiving the order of appointment. Respondent shall have sixty (60) days from the filing of Petitioner's brief to file a supplemental response.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: August 18, 2017

Certificate of Service

I hereby certify that this Order was electronically submitted on August 18, 2017, using the CM/ECF system, which will send notification to each party.

s/A. Chubb
Case Manager